

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-42781-2021
Decided on : 14.10.2021**

Ramesh and another

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Jitender Dhanda, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 164 dated 19.07.2021 under Sections 148, 149, 452, 323, 324, 325, 326 and 506 of the Indian Penal Code, 1860 registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioners has submitted that in the present case, even as per the prosecution version, the petitioners were stated to be armed with *lathis* and no specific injury has been attributed to either of the two petitioners. It is further submitted that the injury under Section 326 IPC is attributed to one Shamsher and the injury under Section 325 IPC is attributed to Dilbag. It is also submitted that the petitioners have been in custody since 30.07.2021 and the challan has been presented in the present case on 21.09.2021 and the petitioners are not involved in any other case and the trial is likely to take time, thus, it is prayed that the present petition be allowed.

Learned State counsel has opposed the present petition for bail and on instructions of ASI Jasbir Singh, has submitted that there are 10 accused in the present case and some of the accused have not been arrested till date. It is further submitted that the *lathis* have been recovered from the petitioners.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioners were alleged to be carrying *lathis* and no specific injury has been attributed to either of the two petitioners and also the fact that the injury under Section 326 IPC has been attributed to Shamsher and the injury under Section 325 IPC has been attributed to Dilbag and the petitioners have been in custody since 30.07.2021 and the challan in the case has been filed on 21.09.2021 and none of the witnesses have been examined and thus, the trial is likely to take time, moreso in view of the present pandemic and the petitioners are not involved in any other case, the present petition is allowed and the petitioners are directed to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

14.10.2021

Mehak

**(VIKAS BAHL)
JUDGE**Whether reasoned/speaking?
Whether reportable?Yes/No
Yes/No